

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Norfolk Division)**

PAMELA PARRIS,

Plaintiff,

v.

**LAW OFFICES OF
SHAPIRO, BROWN & ALT LLP, *et al.***

Defendants.

Case No. 2:13-cv-679-MSD-LRL

PFC’S MOTION TO DISMISS

Defendant Professional Foreclosure Corporation of Virginia (“PFC”), by counsel, hereby moves to dismiss the Complaint filed by Plaintiff, Pamela A. Parris (“Plaintiff”), pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim for which relief may be granted as a matter of law, for the reasons stated in the contemporaneously filed memorandum, and for the following reasons, including:

1. Plaintiff’s claims under the Fair Debt Collection Practices Act are time-barred by the one-year statute of limitation. *See* 15 U.S.C. § 1692k(d).
2. PNC Bank, N.A. as loan servicer is entitled to foreclose, and appoint PFC as trustee.
3. Plaintiff fails to allege a viable breach of any fiduciary duty.
4. Plaintiff’s fraud claim is not plausible, and fails as matter of law.
5. Plaintiff lacks standing to challenge the Appointment of PFC as trustee.
6. Plaintiff fails to allege a viable fraud claim, including all of the requisite elements of fraud.

7. Plaintiff's fraud and tort claims are barred under the economic loss doctrine.

8. Plaintiff's allegations regarding PNC Banks's failure to comply with the face to face requirements is a contractual duty at best, which is likewise barred by the economic loss doctrine, and not properly plead against PFC.

9. Plaintiff's conspiracy claims fails as a matter of law.

WHEREFORE, Professional Foreclosure Corporation of Virginia respectfully requests that the Complaint be dismissed in its entirety, that they be awarded their fees in this action, and for such other relief as may be just and proper.

Respectfully submitted,

**PROFESSIONAL FORECLOSURE
CORPORATION OF VIRGINIA**

By Counsel

Dated: January 2, 2014

/s/ Bizhan Beiramee

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Certificate of Service

I hereby certify that on the 2nd day of January, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System, which will then send a notification of such filing (NEF) to the following:

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